

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALVIN MAXWELL,
Movant,

Criminal No.21 Cr.247(PAE)

vs.

UNITED STATES OF AMERICA,
Respondent.

MOTION TO VOLUNTARILY DISMISS
PURSUANT FED. R. CIV. P. 41(a)

COMES NOW , the Movant Alvin :Maxwell,pro se, mover this Honorable Court to voluntarily dismiss his Direct Appeal without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.Rule 41(a) gives movant an absolute right to voluntarily dismiss his action"without order of the court" as long as he files notice of dismissal prior to the respondent's answer. United States v. Tamfu,2002 U.S. Dist.LEXIS 19771 (N.D. TX. Oct. 15, 2002)(discussing Rule 41(a)).In this case,Movant's Direct Appeal motion shall be dismissed .

Respectfully submitted,

Dated:April 22,2023

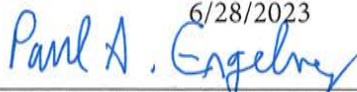
By: 

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Defendant's motion to voluntarily dismiss his appeal is properly directed to the United States Court of Appeals for the Second Circuit. This Court cannot act upon such a motion, and therefore denies it without prejudice to the defendant's right to make such a motion in the proper court. The Clerk of Court is requested to terminate the motion at Dkt. No. 278.

SO ORDERED.

6/28/2023



PAUL A. ENGELMAYER
United States District Judge